

REMARKS

Applicant respectfully requests reconsideration of this application, as amended, and consideration of the following remarks. Claims 1, 18 and 23 have been amended. Claims 2, 6, 9 and 20 have been previously canceled. Claims 1, 3-5, 7-19 and 21-23 remain pending.

Claims 1, 3-5, 7, 8, 10-19 and 21-23 stand rejected under 35 U.S.C. 102(e) as being anticipated by Smethers (US Pat Pub 2004/0142720).

Claims 1, 3-5, 7, 8, 10-19 and 21-23 stand rejected on the ground of nonstatutory double patenting over US Pat. Application 10/600,185. Applicant traverses this rejection as the rejection is premature as US Pat. Application 10/600,185 has yet to be allowed and therefore is not a proper rejection. Applicant will address the double patenting issue upon granting allowance of either of the present application or US Pat. Application 10/600,185.

Amendments

Amendments to the Claims

Applicant has amended the claims to more particularly point out what Applicant regards as the invention. A method of navigating a mobile device display comprising: highlighting a first icon of a plurality of icons displayed in a main portion of the mobile device display; traversing the main portion to a tertiary tab, wherein traversing the main portion to the tertiary tab includes opening the tertiary tray by highlighting the tertiary tab, wherein opening the tertiary tray includes displaying the tertiary tray in the mobile device display, and wherein opening the tertiary tray includes rearranging only a portion of the main portion of the mobile device display such that all of the plurality of icons remain visible in the main portion of the mobile device display the tertiary tray including at least one scroll button and a second icon; and highlighting the second icon, wherein a single navigation key is used to traverse the main portion and to highlight the second icon, wherein the tertiary tray is adjacent to a horizontal edge of the mobile device display. No new matter has been added as a result of these amendments.

Rejections

Rejections under 35 U.S.C. §102(e)

Claims 1, 3-5, 7, 8, 10-19 and 21-23 stand rejected under 35 U.S.C. 102(e) as being anticipated by Smethers. Applicant respectfully traverses the rejection as set forth in more detail below.

Smethers discloses a microbrowser in a mobile communications device generates a Graphical User Interface (GUI) including features that make the device more user-friendly. These features address problems associated with a device that has relatively few input keys and restrictive functionality for cursor movement and pointing, such as a two-arrow key device. The GUI features include: a combined browser-application menu that includes a dismiss bar and browser options represented by horizontally placed icons; a separate browser menu accessible from the title bar of a displayed screen; an auto-jump feature that automatically highlights the next actionable control after a control has been edited; a control-sensitive softkey menu on the secondary softkey that changes according to the control currently in use; table navigation that allows more efficient navigation through table or calendar entries using two arrow keys; and a non-scrollable header with actionable controls.

Smethers teaches that a small mobile device can have several “frames” that can be selectively displayed and relatively easily navigated between using a function key. The frames can include a fixed set of graphical representations of links to applications and other functions. Each of the frames can be sized differently and oriented differently so that one or more frames can be displayed in an overlay fashion (Smethers Figure 4A-D).

However, Smethers also teaches that when a first frame is displayed and then a second frame is selected for display, the second frame is displayed as an overlay on top of the first frame. As a result, at least some of the links that are included in the first frame are covered and obscured from view and access by the second frame. See Smethers’ Fig 4B-D where the frame 403 overlays the display of the calendar and obscures many of the dates in the calendar page that is overlayed by the frame 403.

In stark contrast and very unlike Smethers' frames, Applicant's display is very dynamic. In Applicant's display, at least a portion of the icons displayed in the main portion of the mobile device display can be rearranged to keep the icons visible and accessible after the tertiary tray is opened. This rearrangement can be by shifting the icons or by scaling the icons in the main portion of the display.

Further, Smethers' frames are static and Applicant's displays are dynamic as described in claim 15 where "selecting the second icon causes the second icon to be displayed in the main portion of the mobile device display". Smethers' does not teach or even suggest that selecting a link of a second frame will move the selected link to the first frame.

For at least the foregoing reasons Applicant submits that Applicant's tertiary tray is not the same as not even suggested by Smethers' frames. Accordingly, Applicant respectfully submits that Applicant's invention as claimed in claims 1, 3-5, 7, 8, 10-19 and 21-23 is neither taught nor suggested by Smethers and respectfully requests the withdrawal of the rejection under 35 U.S.C. §102(e).

SUMMARY

In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact George B. Leavell at (408) 774-6923.

Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 50-0805 (Ref SUNMP326) for any charges that may be due or credit our account for any overpayment. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

MARTINE PENILLA & GENCARELLA, LLP

Dated: January 31, 2008



George B. Leavell
Attorney for Applicant
Registration No. 45,436
710 Lakeway Drive, Suite 200
Sunnyvale, CA 94085
(408) 774-6923